

EXHIBIT E

Excerpts from deposition of Defendant Scott Warren (Flight Attendant)

SCOTT ALEXANDER WARREN
DELVECCHIA vs FRONTIER AIRLINES

December 13, 2019

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1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEVADA

3 PETER DELVECCHIA, et al.,

4 Plaintiffs,

5 vs.

CASE NO. 2:19-CV-01322-KJD-NJK

6 FRONTIER AIRLINES, INC., et al.,

7 Defendants.

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9
10 DEPOSITION OF

11 SCOTT ALEXANDER WARREN

12
13 December 13, 2019

14 10:09 a.m.

15
16 9950 West Cheyenne Avenue
17 Las Vegas, Nevada

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19
20 Gary F. Decoster, CCR No. 790
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1 A. I don't remember word for word what he said,
2 but he wanted me to go have a look.

3 Q. Okay. Did he mention anything about the
4 flight operations manual that they had been looking
5 at?

6 A. No.

7 Q. Okay. Are you sure he hadn't said anything
8 about that?

9 A. I don't recall if he did.

10 Q. Okay. All right, and so he asked you to go
11 take a look, and what did you do then?

12 A. That's when I went -- I was in the front of
13 the plane and I walked to the back of the plane
14 looking at Mr. Delvecchia and his son as I walked by
15 Row 17 and that's when I noted that his hand was on
16 the child's crotch and they appeared to be sleeping.

17 Q. Okay, so just so I understand, both the
18 father and the son appeared to be sleeping?

19 A. Yes.

20 Q. And the son was in the window seat?

21 A. Yes.

22 Q. And the father was in the middle seat?

23 A. Yes.

24 Q. And what did you observe about the person in
25 the aisle seat?

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1 A. I don't remember what the guy on the aisle
2 seat was doing at the time.

3 Q. Okay, you said the guy?

4 A. It was a man, yes.

5 Q. Okay.

6 A. A guy, yeah.

7 Q. All right. And was there -- was this --
8 everything was standard otherwise as far as this
9 particular point in the flight, I mean, the lighting
10 and all that sort of thing?

11 A. Yes.

12 Q. Okay. And so were you carrying a trash bag?

13 A. I don't remember.

14 Q. Okay. But you remember that you were walking
15 from the front to the back when you made this
16 observation?

17 A. Yes.

18 Q. Okay. And you could tell that Peter was
19 asleep?

20 A. He appeared to be asleep.

21 Q. And you could tell that A.D. was asleep?

22 A. Appeared to be asleep, yes.

23 Q. Okay. And describe for me what you saw with
24 respect to Peter's hand.

25 A. His right hand was on the boy's crotch -- the

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1 A. Yes.

2 Q. And you would be looking to your left?

3 A. No.

4 Q. You're looking to your right?

5 A. Yes.

6 Q. Because they were, what seats again, 17 --

7 A. E and F.

8 Q. E and F?

9 A. Yes.

10 Q. Okay. So you were looking to your right and
11 Peter was in the middle seat, correct?

12 A. Yes, yes.

13 Q. And A.D. was in the window seat?

14 A. Yes.

15 Q. F. And Peter's right hand was still between
16 the child's legs?

17 A. Yes.

18 Q. Okay. In the area of his crotch?

19 A. Yes.

20 Q. Okay. And they still appeared to be asleep?

21 A. Yes.

22 Q. Okay. All right. And what did you do after
23 making that observation?

24 A. I continued on to the front and went in the
25 cockpit and told the captain what I saw.

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1 Q. Okay. How did you -- I mean, was the door to
2 the cockpit open at that point or did you have to call
3 to ask to be allowed onto the cockpit?

4 A. I knocked to get in.

5 Q. You knocked?

6 A. Yeah.

7 Q. Okay. At this point had the barrier been
8 removed from the aisle?

9 A. The barrier?

10 Q. Well, let me back up.

11 At the time that you went to the cockpit the
12 first time, was -- had the flight attendants set up
13 for the pilots to take a lavatory break?

14 A. Yes, whenever we open the cockpit door, we
15 put the cart in front of the aisle.

16 Q. Okay. My question is, was it already
17 established there when you went down to the front to
18 go into the cockpit the first time or did they set it
19 up so that you could go into the cockpit?

20 A. I do not remember.

21 Q. Okay. And now you've walked to the back and
22 then to the front again. At this point is the cart
23 set up across the aisle or is it gone?

24 A. I don't remember if they left it set up or
25 not.

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1 Q. Okay, but, I mean, the conclusion was that he
2 said you need to separate them, but you don't remember
3 what the words were?

4 A. I don't remember exactly what he said before
5 he said it, like word for word, but --

6 Q. All right. Do you recall the first officer
7 saying anything in this conversation?

8 A. No.

9 Q. Is that that he didn't say anything or that
10 you don't recall whether he did or not?

11 A. I don't recall if he said anything or not.

12 Q. Okay. How about -- well, you said you didn't
13 know if there was another flight attendant there, so
14 basically all you remember is your exchange with the
15 captain?

16 A. Yes.

17 Q. Okay. And did the captain give you any
18 instructions as to how to do that --

19 A. No.

20 Q. -- separation? No. So he left that up to
21 you?

22 A. Yes.

23 Q. What did you do then?

24 A. From then I spoke with one of the flight
25 attendants, I don't remember which one.

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1 Q. Well, let me just be -- I apologize for being
2 so specific, but at that point are you outside the
3 cockpit?

4 A. Once he says separate them -- oh, yeah, when
5 we decided on how to do it, we were outside the
6 cockpit in the front galley.

7 Q. Okay. And how did that go down?

8 A. Essentially, I forgot who I spoke with, but
9 we would turn the lights on, clear the row out, move
10 the child to the back row, and sit everybody back down
11 and turn the lights back off and put an ABP, an
12 able-bodied person, on the aisle seat while the child
13 was in the window seat --

14 Q. Okay.

15 A. -- in the back row.

16 Q. Had you by that point already identified
17 somebody to be the able-bodied person?

18 A. Not prior to us discussing it, no.

19 Q. Okay.

20 A. I believe I went and found someone after
21 that.

22 Q. Okay. So again, just to be specific, you've
23 left the cockpit and you are talking with another
24 flight attendant and are you up in the aft -- I'm
25 sorry, the front galley?

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1 A. Yes.

2 Q. Okay. And are there any other flight
3 attendants present?

4 A. I'm not sure if one of them were up there or
5 both, but someone else was up in the galley, yeah.

6 Q. So there were three up in the front galley?

7 A. At least.

8 Q. Okay. And were they all interested in how
9 you were going to separate them?

10 A. Yes.

11 Q. Okay.

12 A. Everyone was listening.

13 Q. Did you work out an arrangement where you
14 would ring the call button and then the lights would
15 go up?

16 A. Yes.

17 Q. Okay. And was that your idea?

18 A. I don't remember who idea it was.

19 Q. Okay. And why did you feel it was necessary
20 to do that?

21 A. To turn the lights on?

22 Q. Well, to do it on the signal of ringing the
23 call button.

24 A. It would be the best way to get her attention
25 without waving my hands around.